

Proposed Regulation Text

In the following, underline text indicates proposed new regulatory language, and strikethrough indicates deleted text.

§4680. Definition of Escape.

An incarcerated ward-youth is deemed to be an escapee when such wardyouth, without authorization and with intent to abscond;

(a) Leaves the facility, or

(b) Leaves the control of staff while off grounds, or

(c) Fails to return to a designated place at a designated time, e.g., while on off-grounds activities.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Section s 1001, 1002, 1004 and 1768.7 and 1752, Welfare and Institutions Code.

4681. Attempted Escapes.

~~A ward is deemed to have made an escape attempt if he:~~An escape attempt has been made if a youth:

(a) Escapes from the confines of an institutional security area or from custody of the staff on off-grounds institution activity, but is apprehended in the immediate vicinity by the staff, or

(b) Is involved in any activity which, if completed, could result in an escape, or

(c) Is involved in any action which indicates he intends to escape.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1001, 1002, 1004 and 1768.7 and 1752, Welfare and Institutions Code.

4682. Escape from Non-~~Youth Authority~~DJJ Health Facility.

Upon notification that a youth has escaped a non-DJJ facility the Watch Commander or highest-ranking DJJ supervisor shall notify the Office of Correctional Safety.

Note: Authority cited: Section 1712, s 1001, 1002, 1004, 1711.3 and 1751, Welfare and Institutions Code. Reference: Section 1004 s 1002, 1711.3 and 1752, Welfare and Institutions Code.

4683 Staff Procedure.

Any employee shall report any information relating to an escape, escape attempt or possible escape to an immediate supervisor.

The Incident Commander shall ensure the established escape response protocols are implemented until such time the incident is transferred to the Office of Correctional Safety (OCS). Once that occurs OCS is responsible for all operations in the community and for media contacts.

The DJJ shall issue a warrant of arrest for the escaped youth. OCS shall be immediately notified once an escape has been confirmed.

Note: Authority cited: Section s 1001, 1002, 1712, 1004, 1711.3 and 1751, Welfare and Institutions Code. Reference: Section 1004 s 1002, 1711.3 and 1752, Welfare and Institutions Code. Sections 854, 4537, Penal Code

4684. Apprehension of Escaped Ward Youth.

When apprehending escaped wards youth, only reasonable and necessary force shall be used to restrain escapees consistent with the established DJJ Use of Force policy, procedures and training.

(a) Physical force or handcuffs may be used if the Ward is positively identified as an escapee.

(b) Chemical restraint equipment may be used, if necessary, in accordance with Section 4041.

(c) If the suspected escapee cannot be positively identified, DJJ staff (DJJ) shall:

(1a) Show their ~~Youth Authority~~ CDCR, Division of Juvenile Justice identification card before conducting questioning.

(2b) Refrain from accusing the suspect of being an escapee.

(3c) Refrain from using ~~physical~~ force except for self protection or the protection of other persons.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections ~~1001, 1002, 1004 and 1752~~, Welfare and Institutions Code; ~~Section 12403, Penal Code.~~ Section 854, Penal Code

4685. Escape Status.

Escape status shall be terminated when the ~~ward~~ Youth is:

(a) Returned to the institution or camp.

(b) Placed on parole status.

(c) Placed in the custody of a law enforcement agency.

(d) Discharged from the ~~Youth Authority~~ Division of Juvenile Justice.

(e) Deceased.

Note: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Section ~~s 1001, 1002, 1004 and 1752~~, Welfare and Institutions Code.